

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #7	CCRB Case #: 201905365	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/24/2019 6:40 AM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 11/24/2020	EO SOL 7/11/2021	
Date/Time CV Reported Fri, 05/24/2019 12:00 AM	CV Reported At: IG NYPD	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/19/2019 2:01 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Daniel Silverio	5916	943816	WARRSEC
2. DT3 Michael Fratangelo	1981	948210	WARRSEC
3. DT3 Christophe Heredia	01339	938656	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
B.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio threatened to notify Administration for Children's Services.	§ 87(2)(b)
D.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio threatened to arrest § 87(2)(b).	§ 87(2)(b)
E.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
F.DT3 Michael Fratangelo	Abuse: Detective Michael Fratangelo searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
G.DT3 Christophe Heredia	Abuse: Detective Christopher Heredia searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
H.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
I.DT3 Daniel Silverio	Abuse: Detective Daniel Silverio failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Case Summary

On May 24, 2019, § 87(2)(b) filed the following complaint with the Office of the Inspector General (OIG) on behalf of her parents, § 87(2)(b) and § 87(2)(b) and it was received by the CCRB on June 19, 2019. § 87(2)(b) also filed the same complaint with the IAB Command Center and it was received by the CCRB on July 2, 2019. § 87(2)(b) is a reporting non-witness, and § 87(2)(b) and § 87(2)(b) are Spanish-speakers.

At approximately 6:40 a.m. on May 24, 2019, three officers, Detective Daniel Silverio, Detective Michael Fratangelo, and Detective Christopher Heredia from the Manhattan Warrant Squad, went to § 87(2)(b) and § 87(2)(b)'s apartment, which was located at § 87(2)(b) in the Bronx, while they were babysitting their § 87(2)(b) granddaughter named, "§ 87(2)(b)". While the officers were knocking on the front door, Detective Silverio allegedly threatened to damage the door if § 87(2)(b) did not open it (**Allegation A: Abuse of Authority - Threat of Property Damage**, § 87(2)(g)). § 87(2)(b) eventually opened the door and Detective Silverio allegedly told her that the officers had to enter the apartment, so § 87(2)(b) allowed them to come inside (**Allegation B: Abuse of Authority - Entry**, § 87(2)(g)).

Inside of the apartment, Detective Silverio accused § 87(2)(b) of knowing an individual that he was looking for named, "§ 87(2)(b)" (Board Review 01). When § 87(2)(b) denied knowing that person, Detective Silverio allegedly threatened to take § 87(2)(b) away from her and he allegedly threatened to arrest § 87(2)(b) if she did not admit to knowing § 87(2)(b) (**Allegation C: Abuse of Authority - Threat of ACS**, § 87(2)(g)). § 87(2)(b) continued denying that accusation, so the officers allegedly searched around the apartment to ensure that § 87(2)(b) was not present (**Allegation E: Abuse of Authority - Search of Premises**, § 87(2)(g)). § 87(2)(b) (**Allegation F: Abuse of Authority - Search of Premises**, § 87(2)(g)). The officers did not find anyone else inside of the apartment, so they left the incident location, and Detective Silverio did not give § 87(2)(b) or § 87(2)(b) a business card at any point (**Allegation H: Abuse of Authority - Failure to provide RTKA Card**, § 87(2)(g)). (**Allegation I: Abuse of Authority - Failure to provide RTKA Card**, § 87(2)(g)).

No one was arrested or issued a summons during the incident, and the officers did not take Leah away. No video footage was found in regards to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Daniel Silverio threatened to damage § 87(2)(b)'s property.

Allegation (B) Abuse of Authority: Detective Daniel Silverio entered § 87(2)(b) in the Bronx.

Allegation (C) Abuse of Authority: Detective Daniel Silverio threatened to notify Administration for Children's Services.

Allegation (D) Abuse of Authority: Detective Daniel Silverio threatened to arrest § 87(2)(b).

Allegation (E) Abuse of Authority: Detective Daniel Silverio searched § 87(2)(b) in the Bronx.

Allegation (F) Abuse of Authority: Detective Michael Fratangelo searched § 87(2)(b) in the Bronx.

Allegation (G) Abuse of Authority: Detective Christopher Heredia searched § 87(2)(b) in the Bronx.

§ 87(2)(g)

Review 02) (Board Review 03). They both stated that they were sleeping inside of their studio apartment with their granddaughter, § 87(2)(b) when they heard someone knocking on the front door. § 87(2)(b) approached the door and she asked, “Who is it?” In Spanish, Detective Silverio instructed § 87(2)(b) to open the front door or the officers would break it. § 87(2)(b) opened the door and Detective Silverio was with Detective Fratangelo and Detective Heredia. § 87(2)(b) stated that Detective Silverio told her in Spanish that the officers had to enter the apartment, so she allowed them to come inside, but § 87(2)(b) stated that immediately after § 87(2)(b) opened the door, Detective Silverio led the officers into the apartment. While they were inside of the apartment, Detective Silverio showed § 87(2)(b) and § 87(2)(b) a photograph of § 87(2)(b) whom they did not recognize. Detective Silverio insisted that § 87(2)(b) knew § 87(2)(b) but she continued denying any kind of relationship with him. Detective Silverio told § 87(2)(b) “If you don’t tell me that you know this person, I’m going to take your granddaughter and I’m going to arrest you.” § 87(2)(b) still stated that she did not know § 87(2)(b).

The officers began walking around the apartment and they used their flashlights to search the place. The officers looked under and behind couches, and they opened hallway closets. The officers also went to the bathroom, and they looked at photographs that were on the walls and in the kitchen. The officers did not find anyone else inside of the apartment. As the officers were leaving the incident location, Detective Silverio told § 87(2)(b) that he would return again, and if she did not tell him that she knew § 87(2)(b) he reiterated that he would take § 87(2)(b) away and arrest § 87(2)(b). To date, § 87(2)(b) has not been removed from her household due to this incident and § 87(2)(b) has not been arrested. Detective Fratangelo and Detective Heredia did not speak to § 87(2)(b) or § 87(2)(b) at any point during the incident.

The superintendent of the apartment building, § 87(2)(b) spoke to Detective Silverio prior to the incident, but he did not accompany the detectives to § 87(2)(b) and § 87(2)(b)’s apartment (Board Review 04).

Detective Silverio stated that he went to the incident location along with Detective Fratangelo and Detective Heredia because he was looking for § 87(2)(b) who was wanted on a parole warrant (Board Review 01) (Board Review 05). Detective Silverio believed § 87(2)(b) was associated with the incident location because he found correspondences between § 87(2)(b) and § 87(2)(b) while he was incarcerated. In addition, Detective Silverio discovered that after § 87(2)(b) was released, he used his EBT Card at three different stores within the vicinity of the incident location. Detective Silverio knocked on the front door of the apartment, but he did not threaten to damage it. § 87(2)(b) opened the door, and while Detective Silverio was explaining to her in Spanish the purpose of the officers’ visit, § 87(2)(b) appeared at the front door. Detective Silverio showed § 87(2)(b) and § 87(2)(b) a photograph of § 87(2)(b) and § 87(2)(b) said he did not know him, but § 87(2)(b) remained quiet. § 87(2)(b) told the officers that they could come inside of the apartment and “check.” § 87(2)(b) waved towards his apartment, so the officers entered it. Detective Heredia and Detective Fratangelo did not speak to § 87(2)(b) or § 87(2)(b) at any point during the incident because they do not know Spanish.

Inside of the apartment, Detective Silverio explained to § 87(2)(b) the information that led him to that location and he showed him the correspondences. § 87(2)(b) reiterated that he and § 87(2)(b) did not know § 87(2)(b) and he told the officers, “Feel free to look.” Detective Fratangelo and Detective Heredia went to the left side of the apartment, which was where the kitchen and the common area were located, and Detective Silverio and § 87(2)(b) went to the right side of the apartment, which was where a bed and a bathroom were located; § 87(2)(b) remained quiet and she did not follow them. Detective Silverio used his flashlight to look under the bed, but he did not know if the other officers used their flashlights while they were inside of the apartment. Detective

Silverio did not look under any other furniture besides the bed and he did not observe the other officers looking under any furniture. None of the officers, including Detective Silverio, opened any small compartments while they were inside of the apartment. When asked if he opened any closet doors, Detective Silverio said the closet doors were already open, so he looked inside one of them; Detective Silverio did not know if the other officers looked inside of any closets. Detective Silverio did not find any other individuals inside of the apartment, including any children.

Before leaving the incident location, Detective Silverio asked § 87(2)(b) again about § 87(2)(b) because he believed she was not being honest since she was quiet. § 87(2)(b) told Detective Silverio that she did not know § 87(2)(b). Detective Silverio informed § 87(2)(b) that other teams may be looking for § 87(2)(b) as well, so they may appear at the apartment at some point. § 87(2)(b) continued being quiet, so the officers left the incident location. Detective Silverio did not threaten to take § 87(2)(b) away from § 87(2)(b) at any point during the incident and he did not notice any factors inside of the apartment that would have been hazardous to a child. Detective Silverio did not threaten to arrest § 87(2)(b) and she did not commit any arrestable offenses at the time of the incident.

Detective Fratangelo and Detective Heredia do not know Spanish, so they were unaware of the details surrounding the conversations that Detective Silverio had with § 87(2)(b) and § 87(2)(b) during the incident (Board Review 06) (Board Review 07). Detective Fratangelo and Detective Heredia also did not recall any details from the incident, including what type of consent § 87(2)(b) may have provided at the time the officers entered the apartment.

§ 87(2)(g)

Allegation (H) Abuse of Authority: Detective Daniel Silverio failed to provide § 87(2)(b)
with a business card.

Allegation (I) Abuse of Authority: Detective Daniel Silverio failed to provide § 87(2)(b)
with a business card.

§ 87(2)(b) and § 87(2)(b) stated that none of the officers provided them with any business cards at the conclusion of the incident (Board Review 13). At the time § 87(2)(b)'s daughter, § 87(2)(b), filed this complaint, she provided a photograph of Detective Silverio's business card, and she said he had given it to the superintendent, § 87(2)(b) on the incident date (Board Review 08). § 87(2)(b) confirmed that Detective Silverio gave him the business card, but as previously mentioned, he was unaware of anything that occurred inside of the apartment during the incident.

Detective Silverio stated that he gave a business card to § 87(2)(b) and § 87(2)(b) prior to leaving the incident location, but he did not give one to § 87(2)(b) because he had mostly interacted with § 87(2)(b). § 87(2)(b) refused to talk to him, and they were married, so he considered them as “one.” Detective Fratangelo and Detective Heredia did not provide their business cards to anyone during the incident.

According to New York City Administrative Code 14-174, the detective who is leading the investigation must offer a business card to the subjects of the law enforcement activity at the conclusion of such activity that does not result in an arrest or summons (Board Review 09).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have been parties (Board Review 10).
- Detective Silverio has been a member of service for thirteen years and has been a subject in thirteen CCRB complaints and thirty-seven allegations, of which two were substantiated:
 - Case #201201095 involved substantiated allegations of stop of person and frisk against Detective Silverio. The Board recommended charges and the NYPD imposed a forfeiture of three vacation days.
 - § 87(2)(g) [REDACTED].
- Detective Fratangelo has been a member of service for ten years and has been a subject in five CCRB complaints and six allegations, of which two were substantiated:
 - Case #201708958 involved substantiated allegations of entry and search of premises against Detective Fratangelo. The Board recommended formalized training and the NYPD imposed that discipline.
 - § 87(2)(g) [REDACTED].
- Detective Heredia has been a member of service for fourteen years and has been a subject in nine CCRB complaints and thirty-six allegations, none of which were substantiated.
 - § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- As of May 27, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 12).

Squad No.: 7

Investigator: Karina Herrera Inv. Karina Herrera 05/28/2020
Signature Print Title & Name Date

Squad Leader: Manager Vanessa Rosen May 29, 2020
Signature Print Title & Name Date

Reviewer: Signature Print Title & Name Date